

## MARBURY V. MADISON (1802)

THIS CASE STARTED WITH A JUDICIAL APPOINTMENT FOR A MAN NAMED WILLIAM MARBURY. THE APPOINTMENT WAS MADE BY JOHN ADAMS AT THE VERY END OF HIS PRESIDENCY. HE FILLED ALL THE JUDGE POSITIONS THAT WERE OPEN WITH PEOPLE HE THOUGHT SHARED HIS POLITICAL BELIEFS, SO THAT EVEN WHEN HE WAS NOT PRESIDENT ANMORE, HIS PARTY (THE FEDERALISTS) WOULD HAVE CONTROL OVER THE JUDICIARY.

THE LAW THAT ALLOWED ADAMS TO MAKE THIS APPOINTMENT WAS THE JUDICIARY ACT OF 1789, PASSED BY CONGRESS. THERE WAS SUPPOSED TO BE A LETTER DELIVERED TO MARBURY TELLING HIM ABOUT HIS JUDICIAL JOB AND MAKING HIS APPOINTMENT OFFICIAL. MARBURY'S APPOINTMENT LETTER, HOWEVER, DID NOT GET DELIVERED TO HIM BEFORE ADAMS PRESIDENCY WAS OVER. A NEW PRESIDENT, THOMAS JEFFERSON TOOK OVER. HE DID NOT CONSIDER THE APPOINTMENT OF MARBURY VALID BECAUSE THE LETTER WAS NEVER DELIVERED.

MARBURY KEPT WAITING FOR HIS JUDICIAL APPOINTMENT, IT NEVER CAME. FINALLY, HE APPEALED TO THE SUPREME COURT. HE CLAIMED THAT THE SUPREME COURT HAD THE POWER UNDER THE JUDICIARY ACT (PASSED BY CONGRESS) TO ORDER THE SECRETARY OF STATE, MADISON, TO GIVE HIM HIS APPOINTMENT. THE SUPREME COURT HAD TO DECIDE IF MARBURY SHOULD GET HIS APPOINTMENT. CHIEF JUSTICE JOHN MARSHALL WROTE THE COURT'S DECISION. THE DECISION SAID THAT MARBURY HAD A RIGHT TO HIS JUDICIAL APPOINTMENT. THE COURT ALSO SAID THAT THEY COULD NOT GIVE MARBURY HIS APPOINTMENT BECAUSE THE FEDERAL LAW PASSED BY CONGRESS WAS IN CONFLICT WITH THE CONSTITUTION, THUS IT WAS UNCONSTITUTIONAL.

CHIEF JUSTICE JOHN MARSHALL SAID "IT IS EMPHATICALLY THE PROVINCE AND DUTY OF THE JUDICIAL DEPARTMENT TO SAY WHAT THE LAW IS." THIS CASE DID TWO VERY IMPORTANT THINGS. IT CLARIFIED THAT THE CONSTITUTION WAS THE "SUPREME LAW OF THE LAND" AND THAT IT WAS THE COURT'S JOB TO INTERPRET THE MEANING OF THE CONSTITUTION.